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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,380	11/13/2000	Jonathan Lenchner	YOR920000621US1	8649

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EXAMINER	
DASS, HARISH T	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/712,380	LENCHNER, JONATHAN	
	Examiner	Art Unit	
	Harish T. Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/29/05*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim 5 is cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (US 5,274,561) in view of Rossides (US 5,620,182) and McCullough et al "The Numerical Reliability of Econometric Software", Journal of Economic Literature, Vol. 37, No. 2. (Jun., 1999), pp. 633-665 (hereinafter McCullough).

Re. Claim 1 Adams et al (US 5,274,561) discloses an apparatus for increasing a fare (amount) to a rounded-off amount and determining a purchase price (taxi-fare) for said transaction, said purchase price including a fractional cost that exceeds a whole-unit amount [see entire document particularly, Abstract; Figures 2, 4-5; C1 L20-L40; C2 L38-L64; C3 L40-L45; C4 L60 to C4 L68], and appropriate assigned key for fare round-off actuation [C3 L40-L45; C4 L32-L46]. Adams, explicitly, does not disclose generating a random number, and rounding said purchase price up or down to a whole-unit amount based on said random number, obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value, and wherein said rounding is performed by said computer.

Rossides discloses generating a random number [Abstract; Fig. 3, Fig. 5 #20; C2 L5-L30; C48 L52 to C49 L2] rounding said purchase price up or down to a whole-unit amount based on said random number [Fig. 3 # 8, # 9; C6 L57-L67; C8 L55 to C9 L15; C10 L63-L64 – see round high and round low], obtaining (entering or input) a buyer (customer) provided input (expected payment or bias) from an item associated with said buyer [C13 L22-L36, L53-L67 – entering numbers] to make practical expected payment and eliminate coins.

McCullough discloses random number based on said buyer-provided offset (seed) value, and wherein said rounding is performed by said computer [see document particularly page 638-639, 655-656] to make rounding number repeatable with degree of accuracy ad restrict the outcome to the interval (0,1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Adam and include generating a random number, and rounding said purchase price up or down to a whole-unit amount based on said random number,

obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value, and wherein said rounding is performed by said computer, as are disclosed by Rossides and McCullough, to provide a random generator with user's input offset (seed or bias) and rounding off function to evaluate expected price with degree of accuracy and repeatability that a customer will pay and what is his chances to pay the discounted price (low price).

Re. Claims 2-4 & 7, Adams substantially, discloses the limitations for the claims; wherein said step of generating a random number is performed by a third party to said transaction and wherein said step of generating a random number is supervised by a third party to said transaction (a third party chauffeur, who manually adjusts the meter randomly to display the fare) [C3 L35 to C4 L46], wherein said step of generating a random number further comprises the step of obtaining a seller-generated increment value (value generated by operator by actuation of key [C4 L1-L20], and wherein a buyer commitment to the transaction is obtained by means of currency submitted to a trusted third party prior to the generation of said random number [C1 L10-L41].

Re. Claim 6, neither Adams nor McCullough explicitly discloses wherein a buyer commitment to the transaction is obtained by means of currency submitted to a vending machine. However, Rossides further discloses wherein a buyer commitment to the transaction is obtained by means of currency submitted to a vending machine [Figure 4; C16 L10-L12] to purchase an item by depositing money. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Adam and McCullough and include a buyer commitment to the transaction is obtained by means of currency submitted to a vending machine, as disclosed by Rossides, to purchase an item from vending machine.

Re. Claims 8-11, neither Adams nor Rossides or McCullough explicitly discloses wherein said buyer-provided offset value is specified by the buyer in response to a

query, and wherein said buyer-provided offset value is generated from a serial number obtained from paper currency provided by the buyer, and wherein said buyer-provided offset value is generated from a numeric identifier obtained from a product associated with said transaction, and wherein the seller generated random number is made without access to said buyer-provided offset value. However, it is well know that random generator generates number between 0 and 1 and the offset can be any number to provide non-repeating number and this number can be currency serial number, time or other entry.

Re. Claims 12-13, Adams discloses determining a purchase price (fare), N.C. for said transaction (DM 27.60) [C4 L1-L67], said purchase price including a fractional cost equal to C/100 [DM 2.40], that exceeds a whole-unit amount, N.
Adams, explicitly, does not disclose generating a random number, and rounding said purchase price up to a price of N+ I units with a probability of p and down to a price of N units with a probability of (1-p), wherein the probability p equals C/100 and

wherein said step of generating a random number is performed in a manner that prevents a bias towards a buyer or seller.

obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value, and wherein said rounding is performed by said computer.
Rossides disclose generating a random number [Figures 3-6 #20; C2 L5-L30; C48 L52 to C49 L2], and rounding said purchase price up to a price of N+ I units with a

probability of p and down to a price of N units with a probability of (1-p), wherein the probability p equals C/100 (see 40/100 chance of winning) and wherein said step of generating a random number is performed in a manner that prevents a bias towards a buyer or seller [C6 L57 to C7 L2; C11 L53-L63; C49 L62 to C50 L8; C50 L35-L54 – e.g. p(NOT A) = 1-p(A) is well-known is probability or if the chance of store winning is 40% (0.40) means the chance of rounded up is 40% to next unit and chance of rounding down customer winning is 60% (0.60) and customer is expected to pay $0], and obtaining (entering or input) a buyer (customer) provided input (expected payment) from an item associated with said buyer [C13 L22-L36, L53-L67 – entering numbers] to make practical expected payment, eliminate coins and saving the time dealing with coins. McCullough discloses random number based on said buyer-provided offset (seed) value, and wherein said rounding is performed by said computer [see document particularly page 638-639, 655-656] to make rounding umber repeatable with degree of accuracy ad restrict the outcome to the interval (0,1).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

modify the disclosures of Adam and include

generating a random number, and rounding said purchase price up to a price of N+ I units with a probability of p and down to a price of N units with a probability of (1-p), wherein the probability p equals C/100 and

wherein said step of generating a random number is performed in a manner that prevents a bias towards a buyer or seller.

obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value, and wherein said rounding is performed by said computer, as are disclosed by Rossides and McCullough Rossides to provide a random generator with user's input offset (seed or bias) and rounding off function to evaluate expected price with degree of accuracy and repeatability that a customer will pay and what is his chances to pay the discounted price (low price).

Re. Claim 14, Adams discloses the step of obtaining a buyer commitment to the transaction (fare agreed to with the passenger) [C1 L19].

Re. Claims 15-17, these claims are rejected under the same rational as claims 12-14.

Re. Claims 18 and 23, Adams discloses a memory (Fig. 2 items 25-26, RAM & EPROM) that stores computer-readable code (EPROMs do store readable codes); and a processor operatively coupled to said memory, said processor configured to implement said computer-readable code [Fig. 2 item 20], said computer-readable code configured to: determine a purchase price for said transaction (determining fare) [Fig. 1; C2 L35-L50], and said purchase price including a fractional cost that exceeds a whole-unit amount [C4 L51-L55].
Adams does not explicitly disclose generate a random number, and round said purchase price up or down to a whole-unit amount based on said random number.

obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value.

Rossides discloses generating a random number [Abstract; Fig. 3, Fig. 5 #20; C2 L5-L30; C48 L52 to C49 L2] rounding said purchase price up or down to a whole-unit amount based on said random number [Fig. 3 # 8, # 9; C6 L57-L67; C8 L55 to C9 L15; C10 L63-L64 – see round high and round low]

obtaining (entering or input) a buyer (customer) provided input (expected payment) from an item associated with said buyer [C13 L22-L36, L53-L67 – entering numbers] to make practical expected payment and eliminate coins.

McCullough discloses random number based on said buyer-provided offset (seed) value [see document particularly page 638-639, 655-656] to make rounding number repeatable with degree of accuracy ad restrict the outcome to the interval (0,1).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Adam and include generate a random number, and round said purchase price up or down to a whole-unit amount based on said random number, obtaining a buyer provided offset value from an item associated with said buyer, and random number based on said buyer-provided offset value.

Rossides to provide a random generator and rounding off function to evaluate expected price that a customer will pay and what is his chances to pay the discounted price (low price).

Re. Claims 19-22, the claims are rejected under the same rational as claims 12-14.

Response to Arguments

2. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Scott Sumner "Privatizing the Mint", Journal of Money, Credit and Banking, Vol. 25, No. 1. (Feb., 1993), pp. 13-29. Sumner discloses producing coins and notes of the appropriate denomination, size, shape, and number of coins and notes exchanged in a transaction can be minimized by spacing denominations apart by a factor of three, largest denomination exceeds the price or less than the price.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

12/7/05

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600